



MEMORANDUM

MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

We strive to be caring, professional and fair

To: Planning Commission

Through: Townsley Schwab, Acting Director of Environmental and Planning Resources *TS*
 Mitch Harvey, AICP, Comprehensive Planning Manager *MH*

From: Kathy Grasser, Comprehensive Planner *KG*

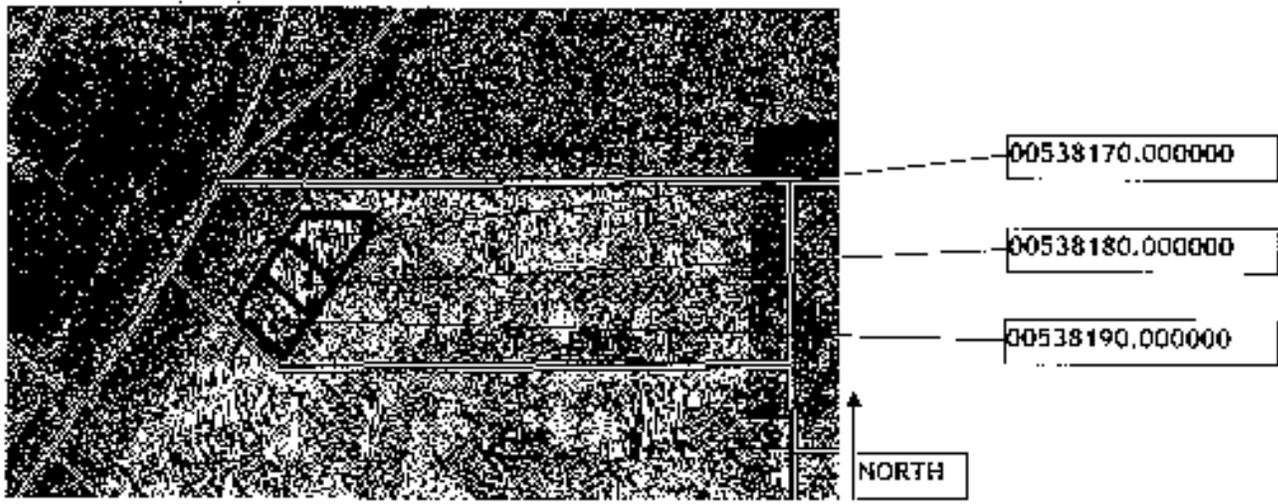
Date: October 31, 2008

Subject: *Request for an Amendment to the Future Land Use Map for Siever's Marine, Inc., Key Largo, Mile Marker 106. Real Estate Numbers 00538170.000000, 00538180.000000 and 00538190.000000*

Meeting: November 18, 2008

REQUEST

A request by the W. F. McCain & Associates, Inc for Siever's Marine, Inc., to amend the Future Land Use Map (FLUM) designation from Residential Medium (RM) to Mixed Use / Commercial (MC).



EXISTING FUTURE LAND USE MAP

- A. Address: Mile Marker 106, Key Largo, Florida
- B. Legal Description: Block 1, Lots 11, 12 and 13, Ocean Isle Estates, Monroe County, Florida
- C. Real Estate Number(s): 00538170.000000, 00538180.000000 and 00538190.000000
- D. Applicant/Petitioner: William McCain, W.F. McCain & Associates
- E. Property Owner: Siever's Marine, Inc.

1
2 **NOTE:**

3 Staff cannot comment on any proposed redevelopment plans as part of this or any map
4 amendment application.
5

6 **II PROCESS**
7

8 Amendments may be proposed by the Board of County Commissioners (BOCC), the
9 Planning Commission, the Director of Planning, or the owner or other person having a
10 contractual interest in property to be affected by a proposed amendment. The Director of
11 Planning shall review and process map amendment applications as they are received and pass
12 them onto the Development Review Committee and the Planning Commission for
13 recommendation and final approval by the BOCC.
14

15 The Planning Commission and the BOCC shall each hold at least one public hearing on a
16 proposed amendment. The Planning Commission shall review the application, the reports
17 and recommendations of the Department of Planning & Environmental Resources and the
18 Development Review Committee and the testimony given at the public hearing and shall
19 submit its recommendations and findings to the BOCC. The BOCC shall consider the report
20 and recommendation of and the testimony given at the public hearings and may either deny
21 the application or adopt a resolution upon transmitting the proposed amendment to the DCA.
22 Ordinances are then reviewed by the Florida Department of Community Affairs and returned
23 to the County with objections, recommendations and comments to be considered prior to
24 adoption of the ordinance. Then, an adoption hearing is scheduled for the BOCC.
25

26 **III RELEVANT PRIOR COUNTY ACTIONS**
27

28 None.
29

30 **BACKGROUND INFORMATION**
31

32 **A. Size of Site:**

33 RE: # 00538170.000000: 8,240 ft²
34 RE: # 00538180.000000: 6,000 ft²
35 RE: # 00538190.000000: 7,000 ft²
36 **Total Site Size: 21,240 ft²**

37 **B. Tier Designation:** Tier III

38 **C. Flood Zone:** X

39 **D. Existing Use:**

40 RE: # 00538170.000000: Undeveloped
41 RE: # 00538180.000000: Undeveloped
42 RE: # 00538190.000000: Undeveloped

43 **E. Existing Vegetation / Habitat:** Cleared with some vegetation

44 **F. Community Character of Immediate Vicinity:** Single-family residential
45
46

1
2 **IV REVIEW OF APPLICATION**

3
4 **A. *Consistency of the proposed amendment with the provisions and intent of the Monroe***
5 ***County Year 2010 Comprehensive Plan:***

6
7 **Goals, Objectives and Policies from the Monroe County Year 2010 Comprehensive Plan**
8 **that directly pertain to the proposed amendments include:**

9
10 • **Goals 3.1: Future Land Use**

11
12 **Goal 101: Monroe County shall manage future growth to enhance the quality of life,**
13 **ensure the safety of County residents and visitors, and protect valuable natural**
14 **resources. [9J-5.006(3)a]**

15
16 **Objective 101.4: Monroe County shall regulate future development and**
17 **redevelopment to maintain the character of the community and protect the natural**
18 **resources by providing for the compatible distribution of land uses consistent with the**
19 **designations shown on the Future Land Use Map.**
20 **[9J-006(3)(b) 3]**

21
22 **Policy 101.4.3: The principal purpose of the Residential Medium land use**
23 **category is to recognize those portions of subdivisions that were lawfully**
24 **established and improved prior to the adoption of this plan and to define improved**
25 **subdivisions as those lots served by a dedicated and accepted existing roadway,**
26 **have an approved potable water supply, and have sufficient uplands to**
27 **accommodate the residential uses. Development on vacant land within this land**
28 **use category shall be limited to one residential dwelling unit for each such platted**
29 **lot or parcel which existed at the time of plan adoption. However, Monroe County**
30 **shall adopt Land Development Regulations which allow nonresidential uses that**
31 **were listed as a permitted use in the Land Development Regulations that were in**
32 **effect immediately prior to the institution of the 2010 Comprehensive Plan (pre-**
33 **2010 LDR's), and that lawfully existed on such lands on January 4, 1996 to**
34 **develop, redevelop, reestablish and/or substantially improve provided that the**
35 **uses are limited in intensity, floor area, density and to the type of use that existed**
36 **on January 4, 1996 or limited to what the pre-2010 LDR's allowed, whichever is**
37 **more restricted. Lands within this land use category shall not be further**
38 **subdivided. [9J-5.006(3)(c) 1 and 7]**

39
40 **Policy 101.4.5: The principal purpose of the Mixed Use / Commercial (MC) land**
41 **use category is to provide for the establishment of commercial zoning districts**
42 **where various types of commercial retail and office may be permitted at**
43 **intensities which are consistent with the community character and the natural**
44 **environment. Employee housing and commercial apartments are also permitted.**

1 Applicant is proposing a FLUM amendment from Residential Medium (RM) to Mixed
2 Use / Commercial (MC). The parcel is scarified and no natural resources will be
3 affected. The MC future land use designation is compatible with surrounding land uses.
4 Staff has determined the proposed FLUM amendment is consistent with the provisions
5 and intent of the Monroe County Year 2010 Comprehensive Plan.
6

7 B. *Consistency of the proposed amendment with the provisions and intent of Chapter 9.5 of*
8 *the Monroe County Code, Land Development Regulations:*
9

10 In accordance with MCC Sec. 9.5-511(d)(5)b., the BOCC may consider the adoption of
11 an ordinance enacting the proposed change based on one (1) or more of the following
12 factors:
13

14 i. *Changed projections (e.g., regarding public service needs) from those on which the*
15 *text or ordinance was based:*
16

17 *Applicant:* Since the Monroe County Comprehensive Plan's adoption in 1992
18 (based on the 1980 census data), the comprehensive plan and census data projected
19 an even increase in future population through the entire county. The KLLCP (Key
20 Largo Livable CommuniKeys Plan) addresses the need during this growth period to
21 protect and enhance local community roots, while protecting local environmental
22 resources. This application embodies the conclusions of the KLLCP; it replaces the
23 single family residential (3 lots) adjacent to and fronting the Overseas Highway
24 corridor with viable commercial and mixed class residential along a corridor of
25 existing and prescribed suburban commercial development. The application for a
26 FLUM amendment and re-zoning conforms to all the goals of the KLLCP. The
27 change will allow development that is compatible with the goals of the KLLCP by
28 protecting and enhancing local community life and minimizing the impact on
29 Monroe County's environmental resources.
30

31 The combined lots on Overseas Highway (US-1) will not require any additional
32 access on their frontage. The development will take advantage of two existing
33 access points: i.e. N. End Road and Garden Cove Drive, and create an interconnect
34 between them allowing the abandonment of an existing undeveloped alley way to
35 increase proper access traffic flow outside of the Overseas Highway. Even in the
36 comprehensive plan, single family residential lot development was not properly
37 addressed as single families and cars on a corridor road do not mix. It should be
38 noted that within the nearby vicinity of the subject property, no other residential
39 properties exist along the Overseas Highway (US-1) right of way other than Adam's
40 Cut at approximately MM 103/104.
41

42 With the adoption of the KLLCP and the tier system, shifting in the planning
43 philosophies along the Overseas Highway (US-1) corridor in areas of infill and
44 meeting the "neighborhood communities" criteria including the provisions for a
45 "walkable community" reducing area trip generation, this rezoning and FLUM
46 amendment should be positively accepted.

1
2 The County will require all parcels to be combined into one developable lot at the
3 time of site plan approval. This will, combined with the fact that the individual lots
4 themselves are not large enough to support any mixed development, avoid individual
5 lot sell-off and guarantee proper development as envisioned by the KLLCP. It
6 should be noted that, not only will a Florida Department of Transportation (FDOT)
7 curb cut for additional access not be sought from the FDOT, the FDOT will not grant
8 one except under the current single lot configuration.

9
10 *Staff:* Currently, the future land use map (FLUM) designation of Residential Medium
11 (RM) allows for one (1) dwelling unit per lot. The three (3) subject parcels are
12 adjacent to US 1. The proposed Mixed Use / Commercial (MC) FLUM designation
13 is consistent to the FLUM designation on US 1. The proposed FLUM amendment is
14 consistent with *f) changed projections*.

15
16 ii. *Changed assumptions (e.g., regarding demographic trends):*

17
18 *Applicant:* The prescribed use of "mixed use development" per the KLLCP is an
19 effective way of dealing with new growth issues in this part of the Keys vs. that of
20 the Monroe County Comprehensive Plan designating this property as residential
21 medium. Allowing Mixed Use/Commercial (MC) FLUM designation for this
22 property creates a balance of environmental concerns, needs for housing in general,
23 and fills a void for affordable housing. The allowance of this rezoning and FLUM
24 amendment will serve as an enhancement to the surrounding area and the gateway to
25 the Keys.

26
27 *Staff:* Any use allowed for the proposed land use is considered potential
28 development, not only affordable housing. Affordable housing can be built in
29 designated Monroe County land use districts. While there is a need for affordable
30 housing, the data and the information provided by the applicant does not constitute a
31 changed assumption justifying a map amendment.

32
33 iii. *Data errors, including errors in mapping, vegetative types and natural features*
34 *described in Volume 1 of the Monroe County Year 2010 Comprehensive Plan;*

35
36 *Applicant:* The IS land use designation for the subject parcels that are being proposed
37 for rezoning to SC and FLUM amendment to MC is an obvious example of Key
38 Largo residents' and planning staff' concerns that the KLLCP for the area
39 recommends a mixed use that provides workforce housing and a light commercial
40 retail area where local residents can feel comfortable in an aesthetically pleasing
41 environment. The IS designation given to the parcels was probably a part of a
42 "package" designation requested by the developer of Ocean Isle Estates. The nature
43 of the designation and factors leading to the designation are better addressed by
44 Monroe County planning officials who have easy access to records pertaining to the
45 Ocean Isle development.

1 A portion of the Ocean Isle Estates subdivision currently includes a commercial
2 fishing village supported by the marina and restaurant currently owned by the
3 Applicant. The existing IS land use designation supports the Applicant's requested
4 use for the subject property. Often, when broad brush comprehensive plans are
5 quickly established at the beckoning of the state, pockets of unique development are
6 often caught up by the basic underlying land use and not the specific character of the
7 existing development or proximity to major thoroughfare related issues.
8

9 The KLLCP goes into great detail about the deficiencies of the existing FLUM.
10 Under the heading of Goal 1 of the KLLCP, the narrative describes the tendency of
11 the Monroe County Comprehensive Plan to have "down-zoned" many of the
12 properties adjacent to Overseas Highway (US-1). The narrative then goes on to state
13 that through the changed conditions and new information that has been brought forth
14 since the Comprehensive Plan's adoption in 1986, it is now the goal of the County
15 and the Community to restore the commercial use status along this corridor.
16 Certainly, that is what the amendment of the FLUM to MC and rezone to SC would
17 accomplish for the subject property.
18

19 *Staff:* There are no historical errors in mapping, vegetative types and natural features
20 for the three (3) subject parcels.
21

22 iv. *New issues:*
23

24 *Applicant:* Over time, since the Buzzard's Roost Marina and Restaurant first opened
25 more than 30 years ago, the majority of the surrounding neighborhood has been built
26 or has become a "fishing village" with the marina at its core. The neighborhood is
27 supported to some extent with commercial development bordering Overseas
28 Highway (US-1), commercial fishing, special district, mixed use commercial and
29 improved subdivision. Through the recommendations in the KLLCP, the proposed
30 FLUM amendment to MC and rezoning to SC enhances the surrounding uses, the
31 adjacent "fishing village" and serves as a light commercial/residential buffer from
32 Overseas Highway (US-1), blending into the other residential uses. With the ability
33 to develop the property as a SC development, retail in support of the existing Village
34 atmosphere could be built. The purpose of the existing IS district is to protect
35 legally vested residential development rights to owners of lots in subdivisions that
36 were established prior to the comprehensive plan. While existing plats at the time of
37 the comprehensive plan development may have justified the IS designation, a closer
38 review of the surrounding area indicates a strong correlation to the Suburban
39 Commercial (SC) districts listed as to establish or conserve areas of
40 commercial/mixed uses, and preserve these as areas representative of the character,
41 economy and cultural history of the Florida Keys. The Applicant believes his
42 request for rezoning to SC and FLUM amendment to MC will hold to this test and
43 will assist with the integration of the overall local neighborhood culture.
44

45 *Staff:* There are no new issues for these three (3) parcels.
46

1 v. *Recognition of a need for additional detail or comprehensiveness*

2
3 *Applicant:* The proposed KLLCP to the Monroe County Comprehensive Plan
4 establishes new priorities for detailed review for comprehensiveness regarding local
5 communities in Key Largo. The consensus goals identified in the KLLCP are met
6 by the implementation of the Applicant's re-zoning and FLUM amendment request
7 as illustrated below. It is specifically noted in the KLLCP, Strategy 1.3, action item
8 1.3.7 (b) that commercial conformance status be preserved within the sections along
9 the Overseas Highway (US-1) corridor. Although it is not a part of this application,
10 it is suggested that Monroe County would pursue a change of zone and FLUM
11 designation for the remaining Ocean Isle lots fronting Overseas Highway (US-1) to
12 achieve a condition that is consistent with the goals of the KLLCP for the remaining
13 lots adjacent to Overseas Highway (US-1). The applicant is currently making an
14 effort to contact the adjacent owners within Ocean Isle estates to gain their support
15 in the rezoning and FLUM amendment for the parcels along the Overseas Highway
16 (US-1) right of way.

17
18 vi. *Staff:* The three (3) parcels have been cleared and surveyed. The applicant is
19 proposing a FLUM designation change to Mixed Use / Commercial (MC). The
20 parcels are south of the US 1 and US 905 split. The FLUM designation for the US 1
21 corridor is Mixed Use / Commercial (MC). The proposed FLUM amendment is
22 consistent with (v) *recognition of a need for additional detail or comprehensiveness*.

23
24 vii. *Data updates;*

25
26 *Applicant:* None

27
28 *Staff:* None

29
30 C. *Goals, Strategies and Action items from the Key Largo Livable Communities Plan that*
31 *directly pertain to the proposed development:*

32
33 The following is a response by the applicant expanding on ten (10) out of the eleven (11)
34 goals located in the Key Largo Livable Communities Plan (KLLCP), pertaining to the
35 proposed FLUM amendment.

36
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1 *Land Use and Redevelopment*

2
3 *Consensus Goal 1: Direct future growth to lands that are most suitable for development*
4 *and encourage preservation of environmentally sensitive lands*

5
6 *Applicant:* The Applicant's property is in an optimal location for rezoning to SC and
7 FLUM amendment to MC in that it affords upscale commercial, keeping with the fishing
8 village appearance of the Keys to create a showcase at the entrance of Key Largo. The
9 SC zone also allows a mix of residential above the commercial predominantly in support
10 of affordable housing related back to the Buzzard's Roost Marina & Restaurant staff
11 housing needs as well as housing needs in general. The proposed rezoning and FLUM
12 amendment also eliminates single family housing units directly abutting a congested area
13 of the Overseas Highway as well as removing the possibility of any new access points
14 along Overseas Highway (US-1). This is all accomplished without any detriment to any
15 environmentally sensitive lands, and if anything, through proper stormwater treatment
16 facilities, will improve the environmental status quo over single family residential
17 construction on existing platted lots.

18
19 *Staff:* The three (3) parcels are scarified and undeveloped. The land is suitable for
20 development and the proposed amendment will not draw on any environmentally
21 sensitive lands. The proposed FLUM amendment is consistent with the Key Largo
22 Livable CommuniKeys Plan (KLLCP) *Land Use Consensus Goal 1.*

23
24 *Community Character*

25
26 *Consensus Goal 2: Preserve and enhance important community qualities within the*
27 *planning area that define Key Largo's casual village style atmosphere and natural*
28 *environment and that enhance its status as the first island of the Florida Keys.*

29
30 *Applicant:* As studied previously, the Applicant believes that the rezoning to SC and
31 FLUM amendment to MC will not only fit into the surrounding existing development but
32 will enhance the "village style" atmosphere as a gateway view into Key Largo. The
33 proposed development will provide an immediate visual enhancement over the existing 3
34 scarified lots.

35
36 *Staff:* The applicant's property is adjacent to US 1. Staff cannot comment on any
37 proposed development or redevelopment plans as part of this or any map amendment
38 application.

39
40 *Consensus Goal 3: Protect and enhance historic, cultural and archeological resources*
41 *within Key Largo to maintain the integrity of the community's unique character.*

42
43 *Applicant:* While the proposed development neither enhances historic or archeological
44 resources, it does protect and enhance cultural aspects of the community while
45 maintaining and enhancing the community's unique character; village style construction,
46 i.e. residential over commercial.

1
2 *Staff:* Staff cannot comment on any proposed development or redevelopment plans as
3 part of this or any map amendment application.
4

5 *Housing*
6

7 *Consensus Goal 4: Maintain the availability of affordable housing and workforce*
8 *housing for local residents while preserving the character of the community.*
9

10 *Applicant:* The client's incentive toward providing some workforce housing units in the
11 project is driven by the needs of his own staff at Buzzard's Roost Restaurant and Garden
12 Cove Marina, just blocks away from the site. The rezoning to SC and FLUM amendment
13 to MC allows significantly needed workforce housing to be built.
14

15 *Staff:* This application is for a future land use map (FLUM) designation change. Any
16 use allowed for the proposed land use is considered potential development, not only
17 affordable housing. Affordable housing can be built in designated Monroe County land
18 use districts.
19

20 *Environmental Protection*
21

22 *Consensus Goal 5: Preserve, manage, and restore where appropriate, the natural*
23 *resources within the planning area by providing open space, protecting water quality and*
24 *acquiring and managing environmentally sensitive lands.*
25

26 *Applicant:* Given that the lots have been in their existing scarified state for such a long
27 time, along with the required on-site stormwater treatment the project will provide, the
28 request meets the environmental protection goal of the KLLCP.
29

30 *Staff:* The proposed FLUM amendment will not preserve, manage or restore the natural
31 resources within the planning area.
32

33 *Economic Development*
34

35 *Consensus Goal 6: Encourage redevelopment and infill development that supports and*
36 *enhances the tourist based economy of the planning area.*
37

38 *Applicant:* The request meets the economic development goal encouraging infill
39 development while enhancing the tourism based economy. This will be accomplished
40 with portions of the commercial business associated back to the Buzzard's Roost
41 Restaurant and Garden Cove Marina, additional island retail and a mix of workforce
42 housing as previously stated.
43

44 *Staff:* The proposed FLUM amendment will encourage infill of undeveloped scarified
45 land. The proposed FLUM amendment is consistent with the Key Largo Livable
46 CommunityKeys Plan (KLLCP) *Land Use Consensus Goal 6.*

1
2 *Consensus Goal 7: Recognize water-dependent and water-related commercial uses as an*
3 *important source of economic sustainability within the planning area.*
4

5 *Applicant:* As this goal recognizes the need to support water-dependent and water related
6 commercial uses, the proposed rezoning and FLUM amendment will allow for the
7 development of both support services for the Buzzard's Roost Restaurant and Garden
8 Cove Marina as well as commercial development over the subject properties.
9

10 *Staff:* Goal Seven (7) of the KLLCP states "water-dependent uses include marinas,
11 commercial fishing, boat launching facilities and beaches. Water-related uses include
12 concession stands, bait and tackle shops and fish houses. Hotels and restaurants located
13 on the water while not water dependent or related as in the traditional definition are
14 economically enhanced by the location on the water and are included in the definition
15 here." The three (3) subject parcels are not on or near the water. The proposed FLUM
16 amendment is not applicable with the Key Largo Livable CommuniKeys Plan (KLLCP)
17 *Local Use Consensus Goal 7*
18

19 *Transportation*
20

21 *Consensus Goal 8: Provide residents and visitors of the planning area with a safe and*
22 *useable transportation system for vehicles, bicycles and pedestrians with opportunities*
23 *for transit systems where appropriate.*
24

25 *Applicant:* Workforce housing located within the subject property would enable
26 residents the ability to walk to work at either the nearby existing commercial/retail
27 developments or the proposed commercial developments that would be feasible with the
28 change to the SC zone and MC FLUM designation. As stated by the KLLCP,
29 developments that promote pedestrian activity are encouraged, and it would be desirable
30 to decrease the need for additional trips, possibly congesting the Overseas Highway (US-
31 1). The approval of the requested SC rezoning and FLUM amendment to MC will
32 require joining of all 3 lots, potentially eliminating an additional access point to the
33 Overseas Highway.
34

35 *Staff:* Staff cannot comment on any proposed redevelopment plans as part of this or any
36 map amendment application.
37
38
39

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1 *Recreation*

2
3 *Consensus Goal 9: Provide additional resources for enhancement of existing facilities,*
4 *expansion of active and passive land-based recreation opportunities and seek to expand*
5 *public shoreline access for water-based recreational activities for all age groups within*
6 *the community.*

7
8 *Applicant:* The proposed rezoning to SC and FLUM amendment to MC will allow the
9 development of a portion of the project to serve as support for the Buzzard's Roost
10 Restaurant and Garden Cove Marina thereby enhancing areas for water based activities.

11
12 *Staff:* Staff cannot comment on any proposed redevelopment plans as part of this or any
13 map amendment application.

14
15 *Community Facilities*

16
17 *Consensus Goal 10: Provide adequate public facilities to serve the existing and future*
18 *needs of the planning area.*

19
20 *Applicant:* Public facilities are adequate to support the rezoning to SC as well as the
21 FLUM amendment to MC that have been requested. The Applicant has satisfied the
22 consensus goals identified in the KLLCP. Approval of the FLUM amendment to MC and
23 rezoning to SC will only not a positive effect on the upper Key Largo area.

24
25 *Staff:* Monroe County's Public Facilities Capacity Assessment Report indicates there are
26 over 100 gallons of water available per person per day. The 100 gallons per person per
27 day standard is commonly accepted as appropriate and is reflected in Policy 701.3.1 of
28 the Monroe County Year 2010 Comprehensive Plan. The proposed FLUM amendment is
29 consistent with the Key Largo Livable CommunityKeys Plan (KLLCP) *Land Use*
30 *Consensus Goal 10.*

31
32 D. *Consistency with the Principles for Guiding Development in the Florida Keys Area of*
33 *Critical State Concern:*

- 34
35 (a) To establish a land use management system that protects the natural environment
36 of the Florida Keys.

37
38 The proposed FLUM amendment will not affect the natural environment.
39 Staff finds the proposed FLUM amendment consistent.

- 40
41 (b) To establish a land use management system that conserves and promotes the
42 community character of the Florida Keys.

43
44 The proposed FLUM amendment is compatible with community character.
45 Staff finds the proposed FLUM amendment consistent.

1 (c) To establish a land use management system that promotes orderly and balanced
2 growth in accordance with the capacity of available and planned public facilities
3 and services.

4
5 The proposed FLUM amendment affects only the three (3) subject's parcels
6 which are zoned and undeveloped. Staff finds the proposed FLUM amendment
7 consistent.

8
9 (d) To provide for affordable housing in close proximity to places of employment in
10 the Florida Keys.

11
12 Unknown.

13
14 (e) To establish a land use management system that promotes and supports a diverse
15 and sound economic base.

16
17 The proposed FLUM amendment of Mixed Use / Commercial (MC) supports a
18 variety of uses and densities and intensities. Staff finds the proposed FLUM
19 amendment consistent.

20
21 (f) To protect the constitutional rights of property owners to own, use, and dispose of
22 their real property.

23
24 The proposed FLUM amendment is the applicant's choice. Staff finds the
25 proposed FLUM amendment consistent.

26
27 (g) To promote coordination and efficiency among governmental agencies with
28 permitting jurisdiction over land use activities in the Florida Keys.

29
30 Staff finds the proposed FLUM amendment consistent.

31
32 E. *Impact on Community Character:*

33
34 *Staff:* MCC § 9.5-511 maintains that amendments may not permit an adverse change in
35 community character. The character of the immediate vicinity includes open space,
36 mixed use and residential. The applicant's parcels are located at MM 106. It is located
37 on US 1 at the split just before US 1 and U.S 905 on the ocean side. A convenient store is
38 located at this split; other miscellaneous low to medium intensity retail stores are in the
39 surrounding area. Single-family residences are located along North End and Garden
40 Cove Road. Most of the U. S. 1 parcels in this area are vacant and overgrown. This
41 future land use map (FLUM) designation amendment may not constitute a change in
42 community character.

1 *Local Use Compatibility*

2
3 The three (3) subject parcels are located adjacent to US 1 and SR 905 at the split. The
4 US 1 corridor is Mixed Use / Commercial (MC), Institutional (INS), Conservation
5 Recreation (CR), Conservation (C), Residential Low, (RL) Residential High (RH). The
6 proposed future land use map (FLUM) designation is compatible with the local use.
7

8 *Density and Intensity*

9
10 The three applicant's properties are 21,240 ft² (.482 acres) in size.

11
12 The Residential Medium (RM) future land use map (FLUM) designation allows for one
13 (1) dwelling unit per lot and maximum net density is not allowed. In the Mixed Use /
14 Commercial (MC) land use district, up to six (6) dwelling units and fifteen (15)
15 rooms/spaces per acre, are permitted. Eighteen (18) dwelling units and up to twenty-five
16 (25) rooms/spaces per buildable acre are allowed for maximum net density. The
17 maximum floor area ratio is between 10% and 40%.
18

19 *Local Traffic and Parking*

20
21 Local roads are already in place and have been well maintained. The proposed FLUM
22 amendment may affect local traffic and parking, but not significantly.
23

24 *Effects on Natural Resources*

25
26 Goal #02 of the Year 2010 Comprehensive Plan states that Monroe County shall direct
27 future growth to lands which are intrinsically most suitable for development and shall
28 encourage conservation and protection of environmentally sensitive lands. Future
29 development would be required to comply with all Monroe County Code, State and
30 Federal environmental regulations.
31

32 Because the subject property consists of cleared undeveloped lots, no additional clearing
33 is anticipated for the proposed development. Effects on natural resources are not
34 anticipated.
35

36 *Effects on Public Facilities*

37
38 Objective 101.11 of the *Monroe County Year 2010 Comprehensive Plan* requires the
39 County to direct future growth away from environmentally sensitive land and towards
40 established development areas served by existing public facilities. The proposed FLUM
41 amendment will not affect Objective 101.11 and will encourage commercial development
42 to remain on disturbed lands rather than encroaching on environmentally sensitive area.
43
44

1 *Traffic Circulation*

2
3 Overseas Highway or U.S. 1 is required to maintain a level of service (LOS) of "C" in
4 order to support additional development. The 2007 US 1 Arterial Travel Time and Delay
5 Study for Monroe County indicates a LOS of "A" from Atlantic Boulevard to C-905
6 (MM 99.5 to MM 106).

7
8 *Solid Waste*

9
10 Monroe County has a solid waste haul out contract with Waste Management Inc., which
11 authorizes the use of in-state facilities through September 23, 2016, thereby providing the
12 County with approximately eight (8) years of guaranteed capacity. The proposed future
13 land use map (FLUM) amendment may affect solid waste, but not significantly.

14
15 *Potable Water*

16
17 In 2002, South Florida Water Management District approved an increase in Florida Keys
18 Aqueduct Authority's Water Use Permit. Monroe County's Public Facilities Capacity
19 Assessment Report indicates there are over 100 gallons of water available per person per
20 day. The 100 gallons per person per day standard is commonly accepted as appropriate
21 and is reflected in Policy 701.1.1 of the Monroe County Year 2010 Comprehensive Plan.

22
23 *Stormwater*

24
25 Staff feels stormwater runoff will result from this future land use map (FLUM)
26 amendment. The applicant's properties, although in Tier III, are scarified but have not
27 been developed. MCC Section 9.5-293 requires that all developments retain stormwater
28 on site following Best Management Practices (BMP's).

29
30 *Effects on Redevelopment/Infill Potential:*

31
32 The site is scarified undeveloped. Staff feels there might be a negative impact on
33 redevelopment / infill potentials, but not significantly. Currently, the Buzzard's Roost
34 sign stands on the subject parcels.

35
36 **V FINDINGS OF FACT AND CONCLUSIONS OF LAW**

- 37
38 1. Objective 101.11 of the *Monroe County Year 2010 Comprehensive Plan*, directs future
39 growth away from environmentally sensitive land and towards established development
40 areas served by existing public facilities. The applicant's parcels are already cleared.
41
42 2. Objective 101.4.3 of the *Monroe County Year 2010 Comprehensive Plan*, states the
43 principal purpose of the Residential Medium land use category is to recognize those
44 portions of subdivisions that were lawfully established and improved prior to the
45 adoption of this plan and to define improved subdivisions as those lots served by a
46 dedicated and accepted existing roadway, have an approved potable water supply, and

1 have sufficient uplands to accommodate the residential uses. Development on vacant land
2 within this land use category shall be limited to one dwelling unit per lot.

- 3
- 4 3. Objective 101.4.5 of the *Monroe County Year 2010 Comprehensive Plan* states the
5 principal purpose of the Mixed Use / Commercial land use category is to provide for the
6 establishment of commercial zoning districts where various types of commercial retail
7 and office may be permitted at intensities which are consistent with the community
8 character and the natural environment. Employee housing and commercial apartments are
9 also permitted.
- 10
- 11 4. MCC Section 9.5-511 prohibits any map amendments that would negatively impact
12 community character. There may not be a negative impact when changing the land use
13 districts of the parcels from Residential Medium (RM) to Mixed Use / Commercial (MC).
14 The proposed FLUM amendment may not affect community character.
- 15
- 16 5. MCC Sec. 9.5-511(a) maintains that map amendments are not intended to relieve
17 particular hardships, nor to confer special privileges or rights on any person, nor to permit
18 a change in community character, as analyzed in *Monroe County Year 2010*
19 *Comprehensive Plan*, Objective 101.4, but only to make necessary adjustments in light of
20 changed conditions. Changing the land use districts of the parcels from Residential
21 Medium (RM) to Mixed Use / Commercial (MC) may not constitute a change in
22 community character.
- 23
- 24 6. Pursuant to MCC Sec. 9.5-511(d)(5)b, the BOCC may consider the adoption of an
25 ordinance enacting the proposed change based on one (1) or more of the following
26 factors: (i) Changed projections (e.g., regarding public service needs) from those on
27 which the text or boundary was based; (ii) Changed assumptions (e.g., regarding
28 demographic trends); (iii) Data errors, including errors in mapping, vegetative types and
29 natural features described in volume 1 of the plan; (iv) New issues; (v) Recognition of a
30 need for additional detail or comprehensiveness; or (vi) Data updates.
- 31
- 32 7. The Key Largo Community Master Plan Consensus Goal 1 directs future growth to lands
33 that are most suitable for development and encourage preservation of environmentally
34 sensitive lands. The proposed FLUM amendment is consistent with Goal 1.
- 35
- 36 8. The Key Largo Community Master Plan Consensus Goal 6 encourages redevelopment
37 and infill development that supports and enhances the tourists-based economy of the
38 planning area. The proposed FLUM amendment is consistent with Goal 6.
- 39
- 40 9. The Key Largo Community Master Plan Consensus Goal 10 provides adequate public
41 facilities to serve the existing and future needs of the planning area. The proposed
42 FLUM amendment is consistent with Goal 10.
- 43
- 44 10. Objective 101.4 of the *Monroe County Year 2010 Comprehensive Plan* shall regulate
45 future development and redevelopment to maintain the character of the community and

1 protect the natural resources by providing for the compatible distribution of land uses
2 consistent with the designations shown on the Future Land Use Map.

- 3
4 11. Policy 101.4.5 of the *Monroe County Year 2010 Comprehensive Plan* states the principal
5 purpose of the Mixed Use / Commercial land use district is to provide for the
6 establishment of commercial zoning districts where various types of commercial retail
7 and office may be permitted at intensities which are consistent with the community
8 character and the natural environment. Employee housing and commercial apartments are
9 also permitted.
- 10
11 12. MCC Section 9.5-511 prohibits any map amendments that would negatively impact
12 community character.
- 13
14 13. MCC Sec. 9.5-511(a) maintains that map amendments are not intended to relieve
15 particular hardships, nor to confer special privileges or rights on any person, nor to permit
16 a change in community character, as analyzed in *Monroe County Year 2010*
17 *Comprehensive Plan*, but only to make necessary adjustments in light of changed
18 conditions.
- 19
20 14. The proposed amendment does meet the criteria set forth in MCC Section 9.5-511(b) in
21 no event shall an amendment be approved which will result in an adverse community
22 change of the planning area in which the proposed development is located.
- 23
24 15. The proposed map amendment meets one (1) of the factors set forth in MCC Sec. 9.5-
25 511(d)(5)(b) (i) changed projections and (v) Recognition of a need for additional detail or
26 comprehensiveness.
- 27
28 16. The proposed map amendment is consistent with the Key Largo Community Master Plan
29 Consensus Goals 1: Direct future growth to lands that are most suitable for
30 development and encourage preservation of environmentally sensitive lands; Goal 6:
31 Encourage redevelopment and infill development that supports and enhances the tourism-
32 based economy of the planning area and Goal 10: Provide adequate public facilities to
33 serve the existing and future needs of the planning area.
- 34
35 17. The proposed map amendments are consistent with the Principles for Guiding
36 Development in the Florida Keys Area of Critical State Concern.

37
38 VI. RECOMMENDATION:

39 Staff recommends APPROVAL to the Planning Commission.